

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-559-D

JOSEPH PIRELA,

Plaintiff,

v.

JEFF ATKIN, et al.,

Defendants.

ORDER

On December 7, 2017, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 12] and recommended that plaintiff’s application to proceed in forma pauperis be granted and that the complaint be dismissed as frivolous. On December 12, 2017, plaintiff filed an incoherent discovery request [D.E. 13]. On December 12, 2017, plaintiff objected to the M&R [D.E. 14]. On December 18, 2017, plaintiff filed incoherent documents concerning New York federal court and Miami state court [D.E. 15]. On December 20, 2017, plaintiff filed incoherent documents concerning drug dealers [D.E. 16]. On December 27, 2017, plaintiff filed an incoherent motion to stop extortion game [D.E. 17].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff's objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record.

As for the objections, the court has reviewed the objections and the M&R de novo. Plaintiff's objections are baseless and delusional and are overruled. As for plaintiff's other motions [D.E. 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17], the motions are baseless and delusional and are denied.

In sum, plaintiff's application to proceed in forma pauperis [D.E. 1] is GRANTED, and plaintiff's complaint is DISMISSED as frivolous. Plaintiff's other motions [D.E. 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17] are DENIED. The clerk shall close the case.

SO ORDERED. This 28 day of December 2017.


JAMES C. DEVER III
Chief United States District Judge